

REMARKS

Applicants reply to the Office Action dated October 15, 2009 with three months. Claims 1-15 remain pending in the application and the Examiner rejects claims 1-15.

The Examiner rejects claims 1-15 under 35 U.S.C. §103(a) as being unpatentable over Chen et al., U.S. Patent No. 7,096,204 (“Chen”) in view of Franklin, U.S. Patent No. 5,883,810 (“Franklin”). Applicants traverse these rejections and submit that independent claims 1, 13, and 15, together with the claims dependent therefrom, are patentably distinct from the cited art.

In the prior Office Action Reply of March 10, 2009, Applicants reiterated previously presented arguments. Specifically, Applicants requested that the Examiner clarify his reasoning if the Examiner maintains that “Chen’s temporary identity in some way contains a portion of Chen’s true consumer identity” (Office Action Response, p. 3). As stated in MPEP §707.07(f), “where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant’s argument and answer the substance of it.”

In the current Office Action, the Examiner addresses the arguments by reciting the entirety of claim 1 and stating that Chen discloses the elements. For support, the Examiner cites the abstract and column 1, lines 42-58 of Chen. (Office Action, p. 12-13). None of portions used by the Examiner to support the rejection of the Applicants’ arguments address the very specific request mentioned above. Thus, Applicants do not believe the Examiner has answered the substance of Applicants’ arguments. As such, Applicants request that the Examiner allow the pending claims or **respond to the arguments in a non-final Office Action.**

To summarize Applicants’ prior arguments, the Office Action equates Applicants’ claimed “account identifier” with Chen’s true consumer identity, and Applicants’ claimed “proxy account identifier” with Chen’s temporary identity. **However, Applicants’ “proxy account identifier” includes a portion of the “account identifier”. In contrast, Chen’s temporary identity consists of nothing more than a random number (see Chen, col. 18, ln. 45-47) and does NOT include any portion of Chen’s true consumer identity.** Applicants respectfully submit that it is unreasonable to interpret a randomly generated number as including a portion of Chen’s true consumer identity. **Chen simply does not include any characteristic found in Chen’s true consumer identity within Chen’s temporary identity.** Applicants’ again request

that, should the Examiner maintain that Chen's temporary identity in some way contains a portion of Chen's true consumer identity, that the Examiner please clarify the reasoning relied upon.

With respect to independent claim 1, none of the cited references disclose or contemplate at least "a transaction device system comprising: a transaction device associated with an account identifier, said account identifier including at least a first account identifier portion and a second account identifier portion, said transaction device further including a transaction device database including a proxy account identifier storage area operable for storing a proxy account identifier, **said proxy account identifier including said first account identifier portion...**" (emphasis added).

Furthermore, none of the cited references disclose or contemplate at least "[a] method of transmitting data for transaction completion comprising: receiving a proxy transaction device account identifier, wherein the proxy transaction device identifier includes at least one portion of a transaction device identifier associated with a transaction account; **providing a transaction account identifier in accordance with a portion of the proxy transaction device identifier, the portion of the proxy transaction device identifier corresponding to a portion of the transaction account identifier...**", as recited in independent claim 13 (emphasis added).

Similarly, none of the cited references disclose or contemplate at least "[a] method of transmitting data for transaction completion comprising: providing a transaction device associated with a proxy account identifier, the proxy account identifier having at least a first proxy account identifier portion; providing a database for storing the proxy account identifier; associating the first proxy account identifier portion with a transaction account identifier; the transaction device identifier including first and second transaction account identifier portions; **storing the first transaction account identifier portion in the first proxy account identifier portion**; and providing the first transaction account identifier portion to a transaction account provider for use in determining the transaction account identifier for use in completing a transaction," as recited in independent claim 15 (emphasis added).

For at least the reasons listed above, Applicants respectfully submit that independent claims 1, 13, and 15 are allowable over Chen and Franklin. Dependent claims 2-12 and 14 depend from independent claims 1 and 13, and are allowable at least for the reasons stated above, in addition to their own unique features.

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In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited reference. Accordingly, Applicants respectfully request a Notice of Allowance. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

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